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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,191	10/23/2000	Jay S. Walker	96-059-C1	2479
22927	7590	03/28/2008	EXAMINER	
WALKER DIGITAL MANAGEMENT, LLC 2 HIGH RIDGE PARK STAMFORD, CT 06905				ELISCA, PIERRE E
ART UNIT		PAPER NUMBER		
3621				
MAIL DATE		DELIVERY MODE		
03/28/2008		PAPER		

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/694,191

Filing Date: October 23, 2000

Appellant(s): WALKER ET AL.

Michael Downs
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/07/2007 appealing from the Office action mailed 07/24/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,014,650 Zampese 01/2000

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5,727,163 Bezos 03/1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 35-42 are rejected under 35 U.S.C 102 (e) as being anticipated by Zampese (U.S. Pat. No. 6,014,650).

As per claims 35-37, Zampese discloses a method comprising: receiving, at a terminal of a merchant (purchase management system, 12, fig 1), a single-use credit card number(purchasers code and transaction code, 32), in which the single-use credit card number is for use only one time (transaction code 32-37, unique to each purchase), and in which the credit card number (account code, 30) is for use in place of an account number that identifies a credit card account, receiving, at the terminal, an indication of an amount of a purchase, after receiving the single-use credit card number at the terminal, transmitting, from the terminal, the single-use credit card number and the amount of the purchase to a credit card issuer for authorization of the purchase (verification routine, 50), and receiving, at the terminal, information from the credit card

issuer (account manager, 22) indicating whether the purchase is authorized (see., abstract, figs 1, 2, 2, col 1, lines 40-col 5, lines 39). Zampese further discloses a system in which the credit card number has the same number of digits as the account number (see, col 1, lines 20-35).

As per claim 38, Zampese discloses a method in which receiving the single-use credit card number comprises receiving the single-use credit card number via the internet (see., abstract, figs 1, 2, 3, col 1, lines 40-col 5, lines 39).

As per claim 39, Zampese discloses a method in which receiving the single-use credit card number comprises receiving the single-use credit card number via telephone (see, abstract, figs 1, 2, 2, col 1, lines 40-col 5, lines 39).

As per claim 40, Zampese discloses a method further comprising: providing the product to a customer if the purchase is authorized (see, abstract, figs 1, 2, 3, col 1, lines 40-col 5, lines 39).

As per claim 41, zampese discloses a method further comprising receiving, at the terminal, information from the credit card issuer indicating whether the credit card account has sufficient credit available for the purchase (see, abstract, figs 1, 2, 3, col 1, lines 40-col 5, lines 39).

As per claim 42, zampese discloses a method further comprising: receiving, at the terminal, information from the credit card issuer indicating whether the single-use credit card number is valid (see, abstract, figs 1, 2, 3, col 1, lines 40-col 5 lines 39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, 18, 26-32, and 34 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Zampese (U.S. patent no. 6,014,650) in view of Bezos (U.S. Pat. No. 5,727,163).

As per claims 15 and 18, Zampese discloses an apparatus comprising: a processing unit (purchase management system, 12, fig 1), an input device (i.e. the U.S. mail system, a telephone system, face to face transaction, and the like, 18), in communication (communication line, 24) with the processing unit, the input device (internet teller, 18) operable to input a second account identifier (purchasers code and transaction code, 32) for use in place of a first account identifier(account code, 30) thereto a transmitting/receiving device in communication with the processing unit, the transmitting/receiving device operable to transmit the second account identifier to a central credit card processing system (account manger, 22) maintained by a credit card issuer for verification (verification routine, 50) thereof and receive from the credit card

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issuer information regarding authorization of the second account identifier, and an output device in communication with the processing unit, the output device operable to output the information regarding authorization of the second account identifier, wherein the second account identifier is a single-use account identifier (transaction code 32-37, unique to each purchase) specific to a transaction wherein the processing unit is in communication with the central credit card system maintained by the credit card issuer (see., abstract, figs 1, 2, 3, col 1, lines 40-col 5 lines 39). Zampese fails to disclose or suggest a system wherein the second identifier does not include the entire first account identifier. However, Bezos discloses or suggests a system wherein the second identifier does not include the entire first account identifier (see., abstract, summary of the invention, col 6, lines 44-7 line 50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Zampese disclosure to include Bezos system wherein the second identifier does not include the entire first account identifier because this would have provided a system/method for ordering goods over a network is needed that enables a customer to place an order without concern that others may illicitly gain access to the customer's credit card information thereby obtaining a system/method for optimum efficiency and to minimize the time required for the customer to complete an order and presents a workable system/method that is relatively efficient and foolproof.

As per claim 26, zampese discloses a method wherein the second account identifier is transmitted to an issuer associated with the first account identifier (see, abstract, figs 1, 2, 3. col 1, lines 40-col 5 lines 39).

As per claim 27, zampese discloses a method wherein the processing unit is associated with a merchant (see., abstract, figs 1, 2, 3, col 1, lines 40-col 5 lines 39).

As per claim 28, Zampese discloses a method wherein the second account identifier is received from a customer as a means of payment for the transaction (see., abstract, figs 1, 2, 3, col 1 lines 40-col 5 lines 39).

As per claim 29, zampese discloses a method further comprising causing to be delivered to the customer, after receiving information regarding authorization of the transaction, at least one of at least one good and at least one service associated with the transaction (see., abstract, figs 1, 2, 3, col 1, lines 40-col 5 lines 39).

As per claim 30, zampese discloses a method wherein the transaction comprises a transaction conducted over at least one of the internet and the telephone (see., abstract, figs 1, 2, 3, col 1, lines 40-col 5 lines 39).

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As per claim 31, Zampese discloses a method wherein the customer is in location that is remote from the processing unit (see., abstract, figs 1, 2, 3, and the accompanied text, and col 8, lines 52-9 line 60, 13 lines 12-36).

As per claim 32, zampese discloses a method wherein the information regarding authorization includes an authorization code (see., abstract, figs 1, 2, 3, col 1, lines 40-col 5 lines 39).

As per claim 34, zampese discloses a method wherein the second account identifier comprises a sixteen-digit identifier (see., abstract, figs 1, 2, 3, col 1 lines 40-col 5 lines 39).

(10) Response to Argument

Applicant's arguments filed on 06/07/2006 have been fully considered but they are moot in view of new ground (s) rejection. Necessitated by amendment.

a. Applicant maintains that Zampese and Bezos cannot be combined, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The rationale to modify or combine the prior art does not have to be expressly stated in the prior art; the rationale may be expressly or impliedly contained in the prior art or it

may be reasoned from knowledge generally available to one of ordinary skill in the art, established scientific principles, or legal precedent established by prior case law. In re Fine, 837 F.2d 1071, 5USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). See also In re Eli Lilli & Co., 902 F.2d 943, 14 USPQ2d 1741 (Fed. Cir. 1990) (discussion of reliance on legal precedent); In re Nilssen, 851 F.2d 1401, 7USPQ2d 1500 (Fed. Cir. 1988) (references do not have to explicitly suggest combining teachings); Ex parte Clapp, 227 USPQ 972 (Bd. Pat. App & Inter); and Ex parte Levengood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) (reliance on logic and sound scientific reasoning).

Also in reference to Ex parte Levengood, 28 USPQ2d, 1301, the court stated that “Obviousness is a legal conclusion, the determination of which is a question of patent law.

Motivation for combining the teachings of the various references need not to explicitly found in the reference themselves, In re Keller, 642 F.2d 413, 208USPQ 871 (CCPA 1981). Indeed, the Examiner may provide an explanation based on logic and sound scientific reasoning that will support a holding of obviousness. In re Soli, 317 F.2d 941 137 USPQ 797 (CCPA 1963).”

b. Applicant also maintains that nothing in Zampese suggests a single-use credit card (or credit card number for use only one time. However, the Examiner respectfully disagrees with Applicant’s characterization of the prior art. As indicated above, it is believed that Zampese discloses this limitation in col 1 lines 40-col 5 lines 39. Furthermore, zampese discloses purchasers code and transaction code 32, and transaction code 32-37 which is unique to each purchase. Therefore, the transaction

code 32-37 is readable as a single-use credit card (or transaction code) for use only one time.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Pierre Eddy Elisca/
Primary Examiner

Conferees:

/A. J. F./
Supervisory Patent Examiner, Art Unit 3621

Kambiz Abdi /K.A./
SPE, Art Unit 3692